

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	MAG. ACTION NO. C-10-1060
	§	
MARSHALL LEE RAMIREZ	§	

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL


A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant is substantial. The defendant admitted he was being paid to harbor and transport aliens. The findings and conclusions contained in the Pretrial Services Report are adopted, supplemented by the testimony during the hearing and the proffer of defense counsel. The defendant harbored aliens in a shed behind his home while his small children and wife were home. The shed was used as a play area for his children. The defendant has a series of convictions and arrests related to drugs, DWI, driving without a license, and assault. He is a regular user of marihuana and cocaine. The defendant was on bond for a felony when he committed this offense, reflecting that he is either unwilling or unable to comply with court-ordered conditions of release. He is a poor bond risk.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 19th day of October, 2010.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE